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BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA

In the Matter of THE COMMISSIONER OF BUSINESS OVERSIGHT,)	CFL APPLICATION NO.: 60DBO-54919
)	
Complainant,)	STATEMENT OF ISSUES DENYING
)	APPLICATION FOR FINANCE BROKER
v.)	LICENSE UNDER THE CALIFORNIA
)	FINANCE LENDERS LAW
PACIFIC HILLS, LLC doing business as)	
FIRST CAPITAL BUSINESS FINANCE,)	(FINANCIAL CODE SECTION 22109)
)	
Respondent.)	
)	
)	
)	

1 Jan Lynn Owen, the Commissioner of Business Oversight (“Commissioner” or
2 “Complainant”), alleges and charges as follows:

3 **I**

4 **Statement of Facts**

5 1. The proposed order seeks to deny the issuance of a finance broker license to Pacific
6 Hills, LLC (“Pacific Hills”), a California Limited Liability Company founded in 2009 with its
7 principal place of business located at 505 East Ist Street, Suite D, Tustin, California 92780.

8 2. On April 1, 2016, Pacific Hills filed an application for a finance broker license (the
9 “Application”) with the Commissioner under the California Finance Lenders Law (“CFL”) (the
10 Financial Code, § 22000 et seq.), in particular Financial Code section 22100.

11 3. Dustin Wataru Doi (“Doi”) is the president and chief executive officer holding 50
12 percent ownership of Pacific Hills.

13 4. Tho Vinh Doan (“Doan”) is the vice president holding the other 50 percent ownership
14 of Pacific Hills. Doan will be the person responsible for the conduct of Pacific Hills’ lending activity
15 in this state.

16 5. Doan’s Statement of Identity and Questionnaire (“SIQ”), Exhibit C to the Application,
17 at Question 5. asked: “Have you ever been convicted of or pleaded nolo contendere to a misdemeanor
18 or felony other than minor traffic citations that do not constitute a misdemeanor or felony offense?”
19 Doan answered “Yes” and provided this detail: “1998 18 years ago when I was 19, I plead guilty to
20 commercial burglary.” In that case, Doan was convicted of second degree burglary and grand theft, a
21 felony, and served 16 months in jail and was ordered to pay restitution. But Doan failed to disclose he
22 was also convicted of grand theft on April 28, 2008¹. For that crime, Doan was sentenced to two
23 years probation and ordered to participate in a work program.

24 6. On August 9, 2016, the Department requested information from Doan concerning the
25 2008 grand theft conviction. Doan responded that he took three items from a store – a USB memory
26 stick, an iPod and an FM charger, without paying for them. The items amounted to \$609.00.

27
28 ¹ People of the State of California v. Tho Vinh Doan, Case No. 06SF0365

III

Applicable Law

7. Financial Code section 22109 provides in relevant part:
- a) Upon reasonable notice and opportunity to be heard, the commissioner may deny the application for a finance lender or broker license for any of the following reasons:
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- (2) The applicant or an officer, director, general partner, person responsible for the applicant's lending activities in this state, or person owning or controlling, directly or indirectly, 10 percent or more of the outstanding interests or equity securities of the applicant has, within the last 10 years, been convicted of or pleaded nolo contendere to a crime, or committed an act involving dishonesty, fraud, or deceit, if the crime or act is substantially related to the qualifications, functions, or duties of a person engaged in business in accordance with this division.

IV

Conclusion

Doan's criminal conviction within the last 10 years gives the Commissioner cause to deny the finance broker license application of Pacific Hills.

WHEREFORE, IT IS PRAYED that the finance broker license application filed by Pacific Hills, LLC be denied.

Dated: September 19, 2016

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
MARLOU de LUNA
Senior Counsel
Enforcement Division